

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yair REISNER et al.

Serial No.: 09/202,181

Filed: December 10, 1998

For: HUMAN MONOCLONAL
ANTIBODY TO THE
HEPATITIS B...



Group No.: 1645

Examiner: R. ZEMAN

June 16, 2000

Docket No.: REISNER=5

#6 7/13/00 TBray

Considered
EZ 9/12/2000

DECLARATION OF BIOLOGICAL MATERIAL DEPOSIT

Commissioner of Patents and Trademarks
Washington, DC 20231

Sir:

I, Mirit Lotan, hereby declare and state that:

1. The following biological material, referred to in the specification of this application, has been deposited and has received the following accession number(s) by the depository:

18.5.1013
strain

19.79.5
strain

96052170
accession number

96052168
accession number

2. The above deposit was made on May 22, 1996, which
was:

(check appropriate item below)

- X before the effective filing date of this application.
— after the effective filing date of this application and
a verified statement pursuant to 37 CFR 1.804(b) is
attached hereto, stating that the biological material
which was deposited is a biological material
specifically identified in the application as filed.

3. The name and address of the depository is:

European Collection of Cell Cultures (ECACC)
CAMR, Salisbury, Wiltshire, SP40JG, United
Kingdom

4. The biological material deposited is capable of
self-replication, either directly or indirectly, and

(check appropriate item below)

- X The deposit of the biological material described above
was made and accepted under the Budapest Treaty on the
International Recognition of the Deposit of Microorgan-
isms for the Purposes of Patent Procedure (hereinafter
Budapest Treaty) and therefore the filing of a
viability statement is unnecessary (37 CFR 1.807(b)).

___ A statement that the biological material deposited with the above named depository was viable and was capable of reproduction on the date of deposit is attached.

Such is executed by:

(complete a, b or c below)

- a. ___ the depository
- b. ___ the applicant
- c. ___ a competent third party

5. With respect to the permanence of the biological material deposit:

(check appropriate item below)

X The depository is an official depository in accordance with the Budapest Treaty and the deposit of the biological material described above was made and accepted under the Budapest Treaty such that samples will be available beyond the enforceable life of the patent for which the deposit was made.

___ The contract with the above-mentioned depository with respect to the deposited biological material provides that the depository will afford permanence of the deposit for at least 30 years and at least 5 years after the most recent request for the furnishing of a sample of the deposit was received by the depository, samples being available beyond the enforceable life of the patent for which the deposit was made.

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I affirm that should the depositor be notified by the depository that it either cannot furnish samples thereof or can furnish samples thereof but the deposit has become contaminated or has lost its capability to function as described in the specification, depositor will proceed in accordance with 37 C.F.R. §1.805.

6. With respect to availability of the biological material, I affirm that the deposit has been made under conditions that assure that (a) access to the deposit will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 CFR 1.14 and 35 USC 122, and (b) subject to 37 CFR 1.808(b), all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of the patent.

7. I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may

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jeopardize the validity of the application or any patent issued
thereon.

Mirit LOTAN
Type or print name of person signing

June 18, 2000
Date

Mirit Lotan
Signature

☐ Inventor
☐ Assignee of complete interest
☒ Person authorized to sign on
behalf of the assignee

(complete the following if applicable)

XTL Biopharmaceuticals Limited
Type name of assignee

Kiryat Weizmann, P.O. Box 370, Rehovot 76100, Israel
Address of assignee

Title of person authorized to sign on
behalf of assignee:

Director of Patents and Technology Assessment